

1869  
A. G. Contract No. KR-88-~~1728~~-TRD  
ECS File: JPA-88-52  
Project: F-027-1-515  
Section: South Town Limit -  
Ninth South Street

INTERGOVERNMENTAL AGREEMENT  
LANDSCAPE MAINTENANCE

BETWEEN  
THE STATE OF ARIZONA  
AND  
TOWN OF SNOWFLAKE

THIS AGREEMENT is entered into August 9, 1988, pursuant to Arizona Revised Statutes Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF SNOWFLAKE, acting by and through its Town Council, (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. It is to the mutual advantage of the State and the Town to landscape certain areas within the right of way on State Route 77 at the following location:

From centerline roadway station 874+55 to centerline roadway station 938+00, a net distance of approximately 1.20 miles.

0259r

NO. <u>13220</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>8-10-88</u>
<u>Don Shumway</u> Secretary of State
By <u>A. Pender</u>

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

## II. SCOPE OF WORK

1. The State will prepare plans for the landscaping project and submit them to the Town for approval.

2. After Town approval of the plans, the project will be constructed by the State, using State funds. Upon completion of the work, the Town shall reimburse the State 25 percent of the landscape contract costs.

3. The Town shall furnish all water for landscape installation during the construction phase, and all water hereafter necessary to properly maintain the landscape, all at Town expense.

4. After construction, the Town shall maintain the landscaping within the right of way.

5. The Town hereby agrees to maintain the landscaping in an attractive manner, as it was designed and approved by the State; and the Town will not make any changes, additions or deletions without written approval by the State. All maintenance work shall be conducted in a manner to minimize traffic congestion and interference with through traffic. All traffic control will meet the requirements of the State's "Uniform Traffic Control Requirements."

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall become effective upon filing with the Secretary of State.

2. This agreement shall remain in full force and effect for a period of one (1) year from the effective date. Thereafter, this agreement will be automatically renewed for successive periods of one year unless terminated by either party upon ninety days' written notice to the other party. It is understood and agreed that, in the event this agreement is terminated by the Town, the State shall in no way be obligated to maintain said landscaping.

3. This agreement may be cancelled by the Governor in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Roadside Development Services  
205 South 17 Avenue, Room 228E  
Phoenix, AZ 85007

Town of Snowflake  
Town Manager  
1st West & 1st South  
Snowflake, AZ 85937

7. Attached hereto and incorporated herein by reference is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF SNOWFLAKE, a  
municipal corporation

STATE OF ARIZONA  
Department of Transportation

By

Donie Johnson  
Title Mayer

By

Gary K. Robinson  
GARY K. ROBINSON  
Chief Deputy State Engineer

STATE OF ARIZONA           )  
                                  :   SS  
County of Navajo           )

I, Charlene, Mayor of  
the Town of Snowflake, Arizona, do hereby certify that the  
following is a true and correct extract of the minutes of the  
Town Council meeting held Aug 3, 1988.

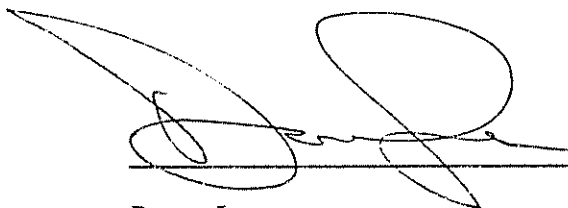
In Witness Whereof, I have hereunto set my hand and  
affixed the Official Seal of the Town of Snowflake, Arizona.  
Done in Snowflake, Arizona this 4 day  
of Aug, 1988.

Charlene Mayor

APPROVAL OF THE TOWN ATTORNEY

I hereby state that I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, STATE ENGINEER and the TOWN OF SNOWFLAKE and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 3<sup>rd</sup> day of August, 1988.

A handwritten signature in black ink, appearing to read 'Dan Jones', is written over a horizontal line.

Dan Jones

Town Attorney

RESOLUTION NO. 158

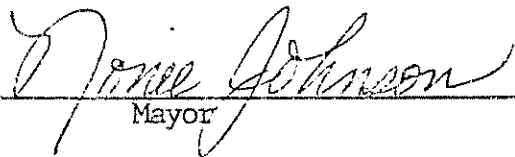
A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF SNOWFLAKE, ARIZONA, AUTHORIZING THE MAYOR OF SNOWFLAKE, ARIZONA, TO SIGN AND EXECUTE THE INTERGOVERNMENTAL AGREEMENT WHICH IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, PROVIDING FOR LANDSCAPE MAINTENANCE BETWEEN THE STATE OF ARIZONA AND THE TOWN OF SNOWFLAKE, ARIZONA.

WHEREAS, it is to the benefit of the Town of Snowflake, Arizona, to provide for landscape maintenance and beautification,

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF SNOWFLAKE, ARIZONA:

THAT the Mayor is authorized to sign and execute the Intergovernmental Agreement that is attached hereto providing for landscape maintenance between the State of Arizona, and the Town of Snowflake, Arizona.

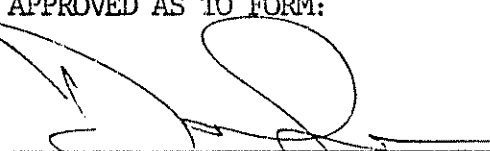
PASSED AND ADOPTED BY THE Mayor and Common Council of the Town of Snowflake, Arizona, this 3<sup>rd</sup> day of August, 1988.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Town Attorney

# MINUTES OF THE SNOWFLAKE TOWN COUNCIL MEETING

Held August 3, 1988

Page 3

the carry-forward funds from fiscal year 87-88 were over-estimated because he forgot to consider a debt-service payment at the end of June and its impact on those carry-forward funds. This reduced the carry-forward funds approximately \$65,000. The final budget will be reduced to reflect these adjustments. A copy of the revised final budget is attached to these minutes. After some discussion a motion was made by Flake Willis, seconded by Ray Caldwell to adopt the proposed budget with the revisions as discussed for the streets department and to shift another \$500 from the contingency -- general fund to the Chamber of Commerce budget. Motion passed unanimously.

**Adopt resolution requesting designation of Snowflake-Taylor Blvd. as a federal aid secondary road.**

Mr. Thacker requested this item be postponed to a later meeting.

**Adopt resolution requesting Arizona Department of Transportation make improvements to Highway 77 between Taylor and Show Low.**

A motion was made by Patti Matyas seconded by Roy Anderson to adopt Resolution #157 entitled "A Resolution Of The Mayor And Common Council Of The Town Of Snowflake, Arizona, Supporting The Arizona Department Of Transportation's Five Year Plan Relating To The Navajo County Area And More Particularly The Show Low-Shumway Unit 2 On State Route 77 And The Snowflake Streets And Cottonwood Wash Bridge Projects And Urging Their Timely Completion". The motion passed unanimously. This resolution will be presented to the State Transportation Board at their meeting in Show Low on August 19.

At this time item #15 was taken up next.

**Adopt resolution approving intergovernmental agreement with the Arizona Department of Transportation regarding landscaping project along Highway 77**

A motion was made by Howard Coltrin seconded by Patti Matyas to adopt Resolution #158 entitled "A Resolution Of The Mayor And Common Council Of The Town Of Snowflake, Arizona, Authorizing The Mayor Of Snowflake, Arizona, To Sign And Execute The Intergovernmental Agreement Which Is Attached Hereto And Made A Part Hereof By Reference, Providing For Landscape Maintenance Between The State Of Arizona And The Town Of Snowflake, Arizona". The motion passed unanimously. The resolution is in regards to the landscaping project along Highway 77 to be completed this summer. The Town has agreed to maintain the landscaping after it is installed and to pay 25% of the construction cost.

**Review street study recently completed by Public Works Director. Discuss criteria for prioritizing street improvements. Authorize an invitation for bids to resurface local streets**

Stu Spaulding, Public Works Director, summarized the results of his street study in which he inventoried the extent and condition of all roadways within the Town limits. In the report he recommends the goal of bringing all roads into excellent condition within their respective class by December 31, 1989. The three classes of roadways are graded, gravel and paved. After that point funds would be available to reconstruct or pave new roads at the rate of two or more blocks per year. Mr. Thacker noted that

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RESOLUTION

BE IT RESOLVED on this 7th day of July, 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with the Town of Snowflake for the Town to maintain landscaping on certain State highways.

THEREFORE, authorization is hereby given to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.



CHARLES L. MILLER, Director  
Arizona Department of  
Transportation



ATTORNEY GENERAL  
1275 West Washington  
Phoenix, Arizona 85007  
Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

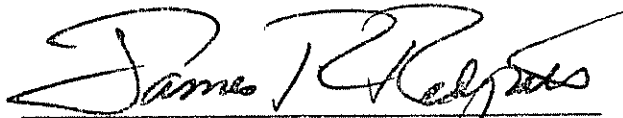
DETERMINATION

A. G. Contract No. KR-88-1728-TRD, which is an agreement between public agencies, has been reviewed pursuant to Arizona Revised Statutes Section 11-952, as amended, by the undersigned Assistant Attorney General, who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter said agreement.

Dated this 9<sup>th</sup> day of August, 1988.

ROBERT K. CORBIN  
Attorney General

  
Assistant Attorney General  
Transportation Division